

**IMMIGRANT LIVING:  
101 AND BEYOND**



MONETTE ADEVA MAGLAYA

# Surviving in a hostile immigrant environment

*Wherever we look upon this earth, the opportunities take shape within the problems.*

—Nelson Rockefeller

DESPITE the enforcement of harsh and restrictive laws that targeted certain ethnic groups, ethnic business niches began with small and tentative success experiences gained by a few trailblazing immigrants within certain communities. Barred from entering the mainstream work force, many had no choice but to go into tiny businesses catering to their own communities as a means to survive. The success formula of one or a few is quickly copied and transferred to others within the community, thus building a momentum where many go into the same business and succeed as well until a saturation level is reached and new industry niches need to be discovered and explored.

There are distinct differences among cultures and it must be noted that certain cultures are more predisposed to going into particular business than others. Risk-taking as a cultural trait seems to be more pronounced in some ethnic groups than in others. Those that have language difficulties and have a long historical and cultural background of setting up retail outlets from one generation to the other in

their home countries are more predisposed to transferring their business skills into their new environment, learning as much as they can on their own and from observation.

Certain groups like Jews and Armenians have long histories of being involved in business in every area around the world where they settle. This tradition is passed down from one generation to the next because the family has had the experience, the know-how, the contacts, the business secrets, and the advantage of having start-up capital.

Others without such a business tradition or built-in advantage go into business because they have no other choice. With little or no English language skills and even if they are well educated and hold extensive experience, they could not find employment in the general job market comparable to what they had before in the old country. Rather than take on jobs that for them might be demeaning, they have chosen to set themselves up in business.

Each ethnic group has shown

expertise in handling businesses in certain identifiable niches. Among those who have exhibited entrepreneurial skills that have resulted in establishing specific businesses include:

- Koreans who are known for operating grocery stores, liquor stores, dry cleaning shops, restaurants, appliance stores and many other businesses;
- Asian Indians and Pakistanis who own convenience stores, food-service and delis, lodging facilities in the hotel and motel industry, and jewelry kiosks and stores;
- Cambodians who are particularly noted for operating retail bakeries and thousands of doughnut shops in many locations in metropolitan areas;
- Filipinos who buy up and convert homes and operate nursing facilities for seniors, the handicapped and the infirm; small restaurants and food markets;
- Thais who run restaurants that offer their distinctive culinary fare;
- Armenians and immigrants

from the Middle East who have the rug and carpet, jewelry business and automotive repair business cornered;

• Vietnamese who are more than likely to own beauty shops and nail salons (some regulations covering nail salons in some states are written in the Vietnamese language indicating that they have cornered this industry niche as experienced manicurists);

• Chinese who operate banks, oriental food markets, hotels, dry cleaners; import and export businesses, manufacturing and countless restaurants, among many others.

Some immigrants plunge headlong into business soon after arrival with the help of friends and relatives who are already in business. Others bide their time and test the waters tentatively at first. They start businesses after garnering the range of experiences in certain industries and saving enough money for start-up capital.

If you have what it takes to do as well or better than those who have done so in your own ethnic community, by all means, explore the entrepreneurial route. The rewards, after surviving the initial years of struggle, can be tremendous. Sometimes, all it takes is a dream.

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# Help is available if you are late in payment of your mortgage

**IMMIGRATION HIGHLIGHTS**



ATTY. CRISPIN LOZANO

**QUESTION:** What is my best option if I am late in payment of my mortgage?

**Answer:** The best help available is loan modification. Under the Obama plan, you may request that your loan be modified so that your monthly payment will be equivalent to 31 percent of your net take home pay.

**Question:** Why do I need an attorney to do my loan modification?

**Answer:** Loan modification is a legal process and you need protection of your rights. Attorneys are experienced negotiators and will be able to give you better deals than doing the loan modification yourself.

**Question:** What should I do if I received a Notice of Default from my lender?

**Answer:** The first thing to do is to consult with an attorney to determine how much time is left. A loan modification can still be made even if a Notice of Default is received. Do not wait until the last

three months before sale date. Under California Foreclosure Prevention Act (CFPA) you are given three months to modify your loan or you may lose your home. The CFPA is a new law that may preclude a foreclosure sale for an additional 90 days beyond the current law requirements in order to allow the borrower and lender to pursue loan modification. Under the existing law, once a Notice of Default has been recorded in the County Recorder's Office, the borrower has a 90-day period of redemption. If not redeemed, the lender will publish the foreclosure date within 20 days after the 90-day redemption period has elapsed. Thereafter the lender may foreclose in 21 days after publication. Hence, under current law there is a minimum of 111 days from date the Notice of Default is recorded to foreclosure date. With the new law, an extra 90 days will be added to the 111 days making it a total of 201 days from the date Notice of Default is recorded to auction date.

**Question:** Am I qualified to modify my mortgage if I have no late payment?

**Answer:** Yes. Loan modification is for every homeowner experiencing hardship in payment of their mortgage because the interest is too high, the property value has gone down and the mortgage is interest only loans.

**Question:** Are all lenders will-

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# What happens in a lawsuit

**LEGAL RIGHTS**



ATTY. JOHNSON LAZARO

YOU'VE been sued. What do you do? Where do you go? What happens to your assets? What happens to your family? What if you lose? Do you fight back? More questions enter your mind as you begin to wrestle with the fact that someone somewhere wants a piece of you.

It starts with a service of process. This means that someone hands you the complaint. Carefully read the court documents. Look at the name of the defendant. Is it really you who is being sued? No need to panic if your name is not even on the documents. Mistakes happen. And when you're served with a lawsuit, you hope and pray it's a mistake. Next, find out what's the reason for the lawsuit. Don't assume that since you're being sued, you're at fault or the suit is justified. There must be a good faith basis for a lawsuit. This means that no one can just accuse you of anything without good reason. The lawsuit must make some sense. If it's truly non-sense, you may get it thrown out and file an action against the person who sued you.

If after reading the court document, and you see at least a grain of truth, think defense. You may need to file a responsive pleading or an answer. The answer is your version of the story—the other truth. Usually if a suit is under \$8,000 it is handled in the Small Claims Department of the Superior Court. Generally, a lawyer can't represent you in small claims. However you may want to ask a lawyer to help prepare for the hearing. If the suit is asking for a chunk of money, it's best to be organized and prepared. Going to court without a strategy is a sure way to lose the case. Think about your defenses, your arguments and evidence and consider how you are going to present them in a cohesive and persuasive fashion. Imagine the judge agreeing with you on every point.

If the lawsuit is over \$10,000 remain calm. You'll probably need a lawyer. Do your research. You can find a qualified attorney with the local bar association. Ask friends for referrals and before you choose an attorney, make sure that you speak with at least three. Discuss the issues carefully with your lawyer. A good lawyer always conducts a thorough investigation before taking a case. Find a lawyer who does not evade hard questions. When you ask "can I win?," he

must look you in the eye, with all honesty and integrity and hand you a straightforward, no-nonsense answer.

Many lawyers charge by the hour depending on where they practice. In San Francisco, lawyers charge an average of \$200 per hour. If your case is a personal injury matter, the lawyer may handle it on a contingency basis. This means that she does not get paid unless you recover. Lawyers' rate usually depends on the difficulty of the case and the lawyer's experience. Some lawyers may also take a case on a flat fee basis. Many are open to fee negotiation.

Help your lawyer gather evidence and interview witnesses. You are the most important resource of your case. Your story is your defense. Even with a lawyer on hand, you remain an important part of the case. Give your attorney a list of documents needed and any and all witnesses that can clarify or strengthen your defense. Some of these documents may be tax records, medical records, bank records, correspondence, agreements etc. After investigation, sit down with your lawyer and discuss the costs and time of litigating the case. Do you go forward or try to settle?

A lawyer's next move is discovery. This is the process in which a lawyer finds out what the opposing party has in store. In most cases the opposing party is required to provide you with key information on his claim. This is especially true in family law cases. There is a fiduciary duty of full disclosure. This allows your lawyer to further evaluate your defense. Discovery can be costly. Keep an eye on your lawyer and make sure you understand the costs.

Be thorough and flexible. You don't want to drive your opponent to ground just to prove a point. Winning in court is not always the best result for everyone. The best lawyers can win without setting a foot in court. You can succeed at the negotiation table. Try diplomacy. In fact the majority of the cases never get tried in court. They settle. Saving time and money should be your goals. Then you can move on with life and the next time stay out trouble.

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Lazaro and Associates is a Filipino-owned law firm that handles civil litigation. The firm's offices are located in San Francisco, Fremont/Newark/Union City California, Makati City (Philippines). Telephone (415)278-9577. E-mail: [Law@LazaroLaw.com](mailto:Law@LazaroLaw.com). Website: [www.LazaroLaw.com](http://www.LazaroLaw.com).

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